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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/864,415

05/23/2001

R. Michael Daley

3854

30621

7590

10/30/2006

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/864,415

Applicant(s)

DALEY ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Summary

On April 4, 2006, an Office Action was sent to the Applicant rejecting claims 1-16. On July 27, 2006, the Applicant responded by amending claims 1, 5, 7, and 9-13 and canceling claim 6.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 7-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Breuninger (2002/0062271).

Breuninger discloses a system for managing portfolio accounts comprising managing investment accounts involving a financial service provider, a third party financial intermediary, and client investors associated with the financial intermediary, using a global computer network, wherein the system is hosted by the financial services provider behalf of one or more financial intermediaries, each having individual network sites linked to the host financial service provider, a first portion, available on an individual network site of the financial intermediary from the financial service provider on the global computer network, which includes series questions answered by a client

Art Unit: 3691

investor, directed toward determining a profile investor, permitting corresponding investment recommendation to be made by the system possible investments, second portion, available on said individual network site of the financial intermediary from the financial service provider, the global computer network, providing selected information concerning said system a third portion, available on said individual network site of the financial intermediary from the financial service provider on the global computer network, completion investment application by the investor subsequent transmittal thereof the financial service provider, which opens and maintains investment account for the client investor on behalf of the financial intermediary (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); intermediary has a plurality of system wherein the financial investors serviced wherein the possible investments of the financial service provider (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); the possible investments include non-proprietary products relative financial service provider (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); another portion, available on the global computer network, which provides educational information and selected disclosure information concerning investments and information concerning particular investment products available from the financial service provider (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); first, second and third portions available at a global computer network maintained by the financial service provider, which is separate from a network site maintained by the financial intermediary, wherein financial service provider's network linked to the financial intermediary's network site (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); each financial intermediary serviced said financial service provider separate network originated and maintained by the financial service provider, each said

Art Unit: 3691

network sites being customized to resemble the associated financial intermediary's network site (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); investor has the ability change profile recommendation to a selected extent (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); one or more of system portions, when printed from a network site, have a space for a signature (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); provider maintains complete records for each said client investors and provides periodic reports to each client investor concerning their investments (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); following completion application and approval thereof the client investor, said account application form transmitted financial service provider, which return provides investor confirmation number which correlates with the application (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); the financial service provider, following receipt of a signed copy of new application necessary funds, account investor without significant entry of information (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); first portion includes a series of multiple choice questions, result of which is tabulated numerical value representing the risk profile of the client investor (p.1, 7-15; p.2, 20-25; and 9.3, 36-41); recommended investment is selected from a plurality of mutual fund investments (p.1, 7-15; p.2, 20-25; and 9.3, 36-41).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 and 7-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3691

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

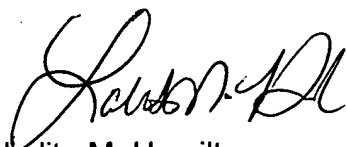
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', is positioned above the printed name.

Lalita M. Hamilton  
Primary Examiner, 3691